IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WP(C).No. 21110 of 2007(K)

PETITIONER:

SATHIDEVI P.V.,
H.S.S.T. (ECONOMICS), G.V.H.S.S. MOGRAL,
P.O. MOGRAL, KASARGOD DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY SECRETARY, DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION, THIRUVANANTHAPURAM.

3. JANARDHANAN,
H.S.S.T. (ECONOMICS), G.H.S.S.VAYAKKARA,
POST VAYAKKARA, KANNUR DISTRICT.

BY GOVT.PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No.21110 of 2007

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Dated this the 10th day of July, 2007.

J U D G M E N T

Petitioner who is a Higher Secondary School Teacher (Economics) impugns Ext.P4 order to the extent it directs his transfer from G.V.Higher Secondary School, Mogral, Kasaragod to Govt. Higher Secondary School, Sreepuram, Kannur. Though several contentions have been raised by the petitioner in support of her plea that the order of transfer is vitiated and bad in the eye of law, I am not satisfied that any interference with the said order is warranted in the facts and circumstances of the case.

2. However, learned counsel submits that there are several factors in favour of the petitioner which may have a persuasive bearing if they are considered by the competent authority with an open mind. I do not propose to refer to them at length for the obvious reason that such a consideration has to be made by the authority concerned in the light of the materials that may be produced by the petitioner before the said authority.

3. Petitioner has submitted Ext.P6 representation before respondent No.2, in which she is stated to have highlighted all her grievances and the relevant aspect of the issue. It is further submitted that petitioner has also produced Ext.P5 series of medical records relating to her husband along with Ext.P1 representation. The limited prayer is to issue a direction to respondent No.2 to take a decision in the matter expeditiously.

4. Learned Govt. Pleader submits that respondent No.2 will take a decision on Ext.P6 if it has been submitted by the petitioner as contended by her.

5. In the above facts and circumstances the writ petition is disposed of with a direction to respondent No.2 to consider and pass orders on Ext.P6 strictly on its merit and in accordance with law, as expeditiously as possible, at any rate within 2 months from the date of receipt of a copy of this judgment. While taking a decision on Ext.P6, respondent No.2 shall keep in view Ext.P5 series medical records relating to the husband of the petitioner. Needless to mention that the petitioner shall be afforded sufficient opportunity to be heard before any orders are passed.

6. It is also brought to my notice that there is an open vacancy at Chervathur as could be seen from Ext.P7. I hasten to add that it is for respondent No.2 to consider whether petitioner can be accommodated in that station.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.2 for compliance.

A.K. Basheer
Judge.

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